

(3) defendant's blood contained fifteen one-hundredths of 1 per centum or more, by weight, of alcohol, or that an equivalent quantity of alcohol was contained in two thousand cubic centimeters of his breath (true breath or alveolar air having 5½ per centum of carbon dioxide), or that defendant's urine contained twenty one-hundredths of 1 per centum or more, by weight, of alcohol, such proof shall constitute prima facie proof that defendant at such time was under the influence of intoxicating liquor.

(b) Upon the request of the person who was tested, the results of such test shall be made available to him.

(c) Only a physician acting at the request of a police officer can withdraw blood for the purpose of determining the alcoholic content therein. This limitation shall not apply to the taking of a urine specimen or the breath test.

(d) The person tested shall be permitted to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer.

SEC. 2. Nothing in this Act shall be construed to require any person to submit to the withdrawal of blood, the taking of a urine specimen from him, or to a breath test.

Tests not required.

Approved March 4, 1958.

Public Law 85-339

AN ACT

To direct the Secretary of the Interior to convey certain public lands in the State of Nevada to the Colorado River Commission of Nevada acting for the State of Nevada.

March 6, 1958
[S. 1558]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, as used in this Act—

Colorado River
Commission, Nev.
Conveyance.
Definitions.

(a) The term "Secretary" shall mean the Secretary of the Interior.

(b) The term "Commission" shall mean the Colorado River Commission of the State of Nevada.

(c) The term "State" shall mean the State of Nevada.

(d) The term "transfer area" shall mean all lands or interests in lands owned by the United States and located within the exterior boundaries of the area described in section 2 of this Act.

SEC. 2. The Secretary is hereby authorized and directed to segregate from all forms of entry under the public land laws of the United States, during a period of five years from and after the effective date of this Act, the following described lands, situated in the State of Nevada and comprising approximately 126,775 acres:

(1) All of south half, township 23 south, range 63 east, with the exception of the following areas: east half section 22; four five-acre tracts located in section 26 and described as follows: south half south-east quarter northwest quarter northwest quarter, north half northwest quarter southwest quarter northwest quarter, north half southwest quarter northeast quarter northwest quarter and south half southwest quarter northwest quarter northwest quarter; and those portions of the northeast quarter section 23, and north half section 24, within the Lake Mead national recreation area.

(2) Fractional sections 25 and 36, township 23 south, range 63½ east.

(3) All of sections 27, 28, 29, 30, 31, 32, 33, and 34, township 23 south, range 64 east.

(4) Fractional sections 31, 32, 33, 34, and 35, township 23½ south, range 64 east.

- (5) All of southeast quarter of township 24 south, range 62 east.
 - (6) All of township 24 south, range 63 east.
 - (7) All of township 24 south, range 64 east, except sections 1, 12, 13, 24, 25, and 36.
 - (8) All of township 25 south, range 62 east.
 - (9) All of township 25 south, range 63 east.
 - (10) All of sections 1, 2, 3, 4, 5, and 6, township 25 south, range 64 east.
 - (11) All of sections 1, 2, 11, 12, 13, and 14, township 26 south, range 62 east.
 - (12) All of northwest quarter, township 26 south, range 63 east.
- All range references contained in the foregoing refer to the Mount Diablo base and meridian.

Option.

SEC. 3. The Commission, acting on behalf of the State, is hereby given the option, after compliance with all of the provisions of this Act and any regulations promulgated hereunder, of having patented to the State by the Secretary all or portions of the lands within the transfer area. Such option may be exercised at any time during the five-year period of segregation established in section 2, but the filing of any application for the conveyance of title to any lands within the transfer area, if received by the Secretary from the Commission prior to the expiration of such period, shall have the effect of extending the period of segregation of such lands from all forms of entry under the public land laws until such application is finally disposed of by the Secretary.

Requirements.

SEC. 4. Prior to conveying any lands or interests in lands of the United States to the State, the Commission and the Secretary shall comply with the requirements set out following:

Plan of development.

(a) The Commission, within three years after the effective date of this Act, shall submit to the Secretary a proposed plan of development for the entire transfer area, which plan shall include but need not be limited to the general terms and conditions under which individuals, governmental agencies or subdivisions, corporations, associations or other legal entities may acquire rights, title, or interests in and to lands within the transfer area.

Selections; applications for transfer.

(b) At any time after submission of a proposed plan for the entire transfer area, as required by the preceding subsection, the Commission may select for transfer from Federal to State ownership such land units within the transfer area as contain not less than eighteen sections of land in reasonably compact tracts, taking into account the situation and potential uses of the land involved. All applications for transfer of title to any such land unit shall be made to the Secretary and shall be accompanied by a development and acquisition planning report containing such information relative to any proposed development and acquisition payment plan as may by regulation be required by the Secretary. No acquisition payment plan shall be considered by the Secretary unless such plan provides for payment by the State into the Treasury of the United States, within five years of the delivery of patent to the Commission, of an amount equal to the appraised fair market value of the lands conveyed.

Appraisal.

(c) At the earliest practicable date following the effective date of this Act, the Secretary shall cause an appraisal to be made of the fair market value of the lands within the entire transfer area, including mineral and material values, if any; such appraisal when completed shall constitute the only basis for determining the compensation to be paid to the United States by the Commission for the transfer of any or all of the lands to which this Act is applicable.

(d) As soon as a proposed unit development and acquisition planning report is found by the Secretary to comply with the provisions of this Act and with such regulations as the Secretary may prescribe as to the contents thereof, the Secretary is hereby authorized and directed to negotiate a contract of sale with the Commission and to prepare appropriate conveyancing instruments for the lands involved.

Contract of sale.

Thereafter, the Secretary shall submit to the Congress, for reference to the appropriate committees of the House of Representatives and the Senate, copies of the Commission application, proposed unit development and acquisition planning report, and proposed contract of sale and conveyancing instruments, together with his comments and recommendations, if any.

Report to Congress.

(e) No contract of sale or instrument of conveyance shall be executed by the Secretary with respect to any lands applied for by the Commission prior to sixty calendar days (which sixty days, however, shall not include days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) from the day on which the Secretary makes the submissions required by the preceding subsection, unless the Congress, prior to the expiration of said sixty days, approves the execution of such contract of sale and instrument of conveyance.

SEC. 5. The conveyance or conveyances authorized by this Act shall be made subject to any existing valid rights pertaining to the lands included within the transfer area.

Rights.

SEC. 6. If the State selects and purchases under this Act any lands which are subject on the date the purchase by the State becomes effective to a lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (39 U. S. C. 181 and the following), the State shall be required to purchase all the lands subject to that lease, permit, license, or contract which are included within the boundaries of the transfer area. The purchase of lands subject to a lease, permit, license, or contract shall neither affect the validity nor modify the terms of the lease, permit, license, or contract in any way, or affect any rights thereunder, except that the State shall assume the position of the United States thereunder, including any right to rental, royalties, and other payments accruing on or after the date on which the purchase by the State becomes effective, and any right to modify the terms or conditions of such leases, permits, licenses, or contracts.

Leases, permits, etc.

30 USC 181 et seq.

SEC. 7. The Secretary is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary or proper in carrying out the provisions of this Act. He shall give particular attention in so doing to including in any conveyancing instruments executed under the authority of this Act such provisions as will in his judgment protect existing or future uses by the United States of lands within the transfer area, including, but not limited to, provision for reversion of title therein to the United States upon failure of the State or its successors in interest to strictly comply with the terms and conditions of any such conveyancing instrument: *Provided*, That the Secretary, after consultation with the Commission, shall determine the amount and location of all lands within the transfer area which may be required for future use by the United States, and he shall have until the filing by the Commission of the proposed plan of development provided by section 4 (a), to define and describe all such lands.

Rules and regulations, etc.

Approved March 6, 1958.